

REMARKS

In the Office Action of March 4, 2004, the Examiner rejected claims 12-17 over Solomon, U.S. Pat. No. 5,974,043 in view of Sviatkowski, U.S. Pat. No. 6,470,010.

In the invention of claim 12, the calling device calls the called device on the PSTN to invite it into communication and to give it the references of a message accessible on the Internet, said message containing a temporary Internet address the calling device receives when it connects to the Internet to set up the Internet telephony call. This temporary Internet address is typically an Internet Protocol (IP) address. The called device accesses said message to get the calling device's IP address and establishes the communication.

The invention solves the problem of setting up an Internet telephony call when the users have temporary IP addresses, by means of said message containing the IP address. The problem could not be solved by Solomon's process because in Solomon's table with cross-references between telephone numbers and WAN addresses such as e-mail addresses.

In contrast, there are two messages in the invention of claim 12:

- The PSTN message, inviting the other user into communication and giving it the references of the Internet message;
- The Internet message, containing the calling device's IP address.

In more detail, Solomon concerns a method for communicating information between a first and a second system, using a public switched telephone network (PSTN) and a wide area network (WAN) which includes the steps of:

- a) the first system dialing a first telephone call to the second system on the PSTN;
- b) the first system sending to the second system a data block which includes at least data defining a call request;
- c) disconnecting the first telephone call;

d) both systems connecting to the WAN by each dialing a second telephone call, wherein the second system uses the call request data for dialing the second telephone call;

e) the second system connecting to the first system through the WAN, by using data received during the first telephone call to obtain a WAN address of the first system and

f) exchanging the information between the systems through the WAN.

In Solomon the second call is dialed by:

- the first system uses the WAN address of the second system (col. 15, lines 40-41); this WAN address is either dialed by the user of the first system (col. 15, lines 47-49 or 61-62), or looked up in a look up table (LUT), which contains a list of telephone numbers of the PSTN linked to the names and WAN addresses of the systems associated with the telephone numbers, so that the first system may find the WAN address of the system having the telephone number it has dialed (col. 15, lines 49-58);
- the second system, when it connects to the WAN, it waits to be connected by the first system (col. 19, lines 60-62), and, using the calling system ID on the PSTN, looks up the WAN address of the calling system in a LUT similar to the calling device's and connects to the first system on the WAN.

In Solomon, the WAN addresses are very clearly permanent WAN addresses. This is confirmed by two features. Firstly, the example of such an address is given in the text by an E-mail address (col. 14, line 41-42), which is typically a permanent address. Secondly, as described above, the WAN addresses, referring to a particular system, are looked up in tables contained within the calling and called systems independently of said particular system's connection to the WAN network, which means the table does not contain a temporary WAN address received by said particular system from

the network. The WAN addresses disclosed are therefore necessarily permanent addresses.

The problem solved by Solomon is linked to the difficulty of setting up an Internet telephony call, the difficulty being that to establish the communication between two systems, both of them must be connected to Internet. In Solomon, each system knows the other system's WAN address, or at least has the possibility to find it on its end, but when it dials it, it is not sure to connect to the other system since this latter may not be connected. The invention of Solomon solves this problem.

REMARKS REGARDING PARAGRAPH 5 OF THE OFFICE ACTION

The examiner states that Solomon discloses a process for establishing communication between a first device and a second device on a computer network of the Internet type (Internet, WAN), wherein the first device and the second device are also operable on a telephone network (PSTN).

This is true.

The examiner states that the process comprises the first device calling the second device on the telephone network to invite the second device into the said communication by giving it the references of a message accessible on the computer network (col. 4, lines 4-9).

The applicant respectfully disagrees with the examiner. In Solomon, the first device indeed invites the second device into said communication, but it does not give it the references of a message accessible on the computer network; it only gives its ID on the PSTN. The only message disclosed in Solomon is this one, inviting the second device into said communication, which is not a message accessible on the computer network but a PSTN message.

The examiner states that the process comprises the second device connecting itself to the computer network, to access the aforesaid message, to obtain the computer address of the

calling device and to establish communication with the calling device (col. 4, lines 15-21).

The applicant respectfully disagrees with the examiner. It is impossible for the second device to access a message that we have seen does not exist. Moreover, it is also impossible for the second device to obtain "the computer address of the calling device," which is defined in claim 12 of the application as the computer address the first device has received from the computer network while connecting to the computer network, that is to say an IP temporary address, since no address of this type is mentioned in Solomon; the address mentioned in Solomon is an E-mail type permanent address.

In Solomon, the second device indeed connects to the computer network, but then whether waits to be connected by the first device, whether looks up in a look-up table, which is contained within the second device and not on the computer network, in order to find the computer permanent address, and not IP address, linked to the ID of the first device, as has been seen before.

To summarize, Solomon only contains a PSTN message. And it will be shown that Szviatovszki only contains an Internet message, as will be explained hereafter.

CONCERNING PARAGRAPH 6 OF THE OFFICE ACTION

Szviatovszki relates to a system comprising an ISDN network, linked to an intelligent network and to a data network. When a subscriber switches on his work station, to which a telephone set is connected, and connects it to the data (computer) network, it registers with the intelligent network. Information containing the current IP-address of the work station and the personal identification number of the subscriber are then kept in the service data database of the intelligent network. When another subscriber, the calling subscriber, dials the intelligent network service number and

the personal identification number of the subscriber, the intelligent network retrieves, from the database, the information about the called subscriber and accordingly connects the call to the telephone integrated to the work station to which the subscriber has registered.

It is respectfully submitted that Szviatovszki does not disclose the message of the invention.

Firstly, in Szviatovszki, the message sent by a device to the intelligent network (col. 4, lines 34-36) is never accessed by the other device. The routing is automatically handled by the intelligent network and is transparent to the devices (col. 5, lines 17-24), while in the present invention "the second device [. . .] accesses the aforesaid message" (claim 1) in order to get information to establish the connection. The message is only for the intelligent network's purpose and not for another device as in the invention.

Secondly, in Szviatovszki, the message is sent to the network by what will be called device (column 5, lines 21-22), while in the present invention the message is produced by the calling device.

Again, and in other words, in Szviatovszki, the message is related to the called subscriber and is neither accessed by the calling nor the called subscriber, while in the present invention the message is related to the calling subscriber and is accessed by the called subscriber.

And now, even presuming Solomon indeed disclosed the features of the process of the invention, except for the message, and Szviatovszki indeed disclosed the content of the message of the invention, the applicant states that it would not have been obvious to a person of ordinary skill in the art at the time of the invention to combine Szviatovszki's message with the features of Solomon to obtain the invention's process.

Indeed, the message of Solomon does not correspond to the computer message of the invention, and the "aforesaid message"

cited by the examiner in paragraph 6 is not of the same type in Solomon and Szviatovszki and thus cannot be interchanged.

Solomon's message would rather correspond to the PSTN message of the invention, by which the first device invites the second device into communication on the computer network. But the invention's PSTN message also contains references of a message accessible on the computer network, which is not the case in Solomon nor in Szviatovszki.

In Solomon, the PSTN message contains an invitation along with the caller's ID on the PSTN. In Szviatovszki, such a PSTN message is not disclosed since there is no invitation to communication.

Furthermore, it is not possible to introduce an Internet type message through a PSTN message, nor is it advisable to input the information contained within an Internet message into a PSTN message. The fact of doing it, that is to say taking Szviatovszki's message and putting it into Solomon's process, would therefore involve an inventive activity.

But anyway, even doing this, that is to say implementing Solomon's process with Szviatovszki's message content into Solomon's message, would not be lead to the invention's process, since there would not be any message accessible on the computer network, which is a keystone of the invention.

Claim 21 has now been amended to depend from claim 14, which depends from claim 12.

The dependent claims are seen as allowable for all the same reasons as claim 12, and for the additional features they add to claim 12.

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CONCLUSION

As a conclusion, we have seen that neither Solomon nor Szviatovszki disclose the features of claim 12 of the invention.

Furthermore, even if they had, we have also seen that it would not have been obvious to a person of ordinary skill in the art to combine their teachings to obtain the process of the invention.

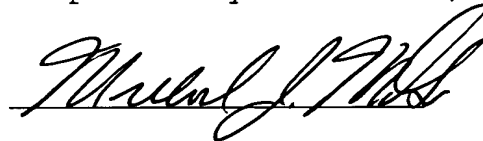
In fact, we have also seen that combining their teachings would not anyway lead to the process of claim 12.

As per claims 13-21, they are depending on claim 12 and are therefore not touched by the prior art.

As a consequence, the applicant respectfully asks the examiner to reconsider the last action and to allow the case with the pending claims 12-21.

Respectfully submitted,

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